

STATE OF WASHINGTON  
OFFICE OF THE INSURANCE COMMISSIONER

*In The Matter of*

THERESA J. GAMBLE,

Licensee.

ORDER NO. 15-0037

WAOIC NO. 141392  
NPN 5766792

ORDER REVOKING LICENSE

To: THERESA J. GAMBLE  
18226 SE 244TH PL  
COVINGTON WA 98042-5270  
theresagambleagency@gmail.com

**IT IS ORDERED AND YOU ARE HEREBY NOTIFIED** that your Washington State resident insurance producer's license is **REVOKED**, effective **March 16, 2015**, pursuant to RCW 48.17.530.

**BASIS:**

1. Theresa J. Gamble ("the Licensee") is a Washington resident insurance producer, WAOIC No.141392, licensed May 8, 1998.

2. The Licensee received premium payments from policy holders for bonds issued by Merchants Bonding Company ("Merchants"), but did not forward them to Merchants. As a result, several insureds received cancellation notices and Merchants was forced to take action to ensure that the bonds were reinstated. Merchants terminated the Licensee's appointment to the company effective June 2014, and the Licensee still owes Merchants over \$14,937.60, of which approximately \$4,680.00 represents premiums paid to the Licensee but not forwarded to Merchants or otherwise applied to the bonds.

3. George Votaw obtained a bond for his car dealership business from Merchants and sent the Licensee a check for \$220, representing the premium due, in 2013. Mr. Votaw

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Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

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received a cancellation notice from Merchants on February 21, 2014, notifying him that his bond was being cancelled for nonpayment of the premium. He called the Licensee that same day, but the Licensee never returned his phone call. Mr. Votaw called Merchants, who informed him that they never received payment of the premium. Mr. Votaw provided Merchants proof of his payment for 2013 and Merchants reinstated his bond.

4. The Office of the Insurance Commissioner ("Insurance Commissioner") received notification of other insureds (all car dealership owners or former owners) that purchased bonds from the Licensee but received cancellation notices from Merchants for nonpayment. Three, Igor Borishkevich, Jacie Daschel, and Gina Baker, confirmed they had received cancellation notices from Merchants but were reinstated when they advised Merchants they had paid for the bonds.

5. The Licensee issued one Merchants commercial surety bond to Premier Investment Solutions Inc. ("PISI") but cancelled the bond when she discovered she made a mistake on the bond. The Licensee then issued a new bond with a new bond number, but failed to notify the insurer of the bond. As a result, the bond was not "activated" by the insurer. This caused confusion with the Washington Department of Licensing when they attempted to verify that PISI had an active bond and was told by Merchants that there was no active bond. Merchants cancelled PISI's bond for nonpayment but reinstated the bond when PISI showed them proof they paid the Licensee. The Licensee did not promptly remit the payment to Merchants, triggering the policy cancellation notification from the insurer to the insured.

6. Merchants revealed that they cancelled 185 bonds issued by the Licensee since February 2014 for nonpayment. Merchants said that 78 of the insureds contacted Merchants and provided proof of payment to the Licensee. Merchants reinstated those policies.

7. Merchants documented that 21 insureds paid the Licensee \$4,680.00 in premiums that were not applied to the bonds. The Licensee further owes Merchants \$10,257.60, representing premiums for bonds kept in force due to the Licensee's failure to notify Merchants of other bondholders' desire to cancel. Merchants terminated the Licensee's appointment to the company effective June 17, 2014.

8. The Licensee did not have a Premium Trust Account and was commingling business funds and premiums; thus, at billing time, she may not have had the funds to pay the premiums. The Licensee was unable to properly account for the funds received, failed to

properly track and bill payments, and lacked a proper agency management system.

9. RCW 48.17.530(1)(d) allows the Insurance Commissioner to place on probation, suspend, revoke, or refuse to issue or renew an insurance producer's license for improperly withholding, misappropriating, or converting any moneys or properties received in the course of doing insurance business. By failing to forward premium payments received from policy holders for bonds to Merchants Bonding Company, the Licensee violated RCW 48.17.530(1)(d), justifying the revocation of her license.

10. RCW 48.17.530(1)(h) allows the Insurance Commissioner to place on probation, suspend, revoke, or refuse to issue or renew an insurance producer's license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in this state or elsewhere. By failing to forward premium payments received from policy holders for bonds to Merchants Bonding Company, the Licensee violated RCW 48.17.530(1)(h), justifying the revocation of her license.

11. RCW 48.17.480(2) provides that all funds representing premiums or return premiums received by an insurance producer shall be received in the insurance producer's fiduciary capacity, and shall be promptly accounted for and paid to the person entitled thereto. By failing to forward premium payments received from policy holders for bonds to Merchants Bonding Company, the Licensee violated RCW 48.17.480(2).

12. RCW 48.17.480(3) provides that any licensee who receives funds which belong to or should be paid to another person as a result of or in connection with an insurance transaction receives the funds in a fiduciary capacity and must promptly account for and pay the funds to the person entitled to the funds. By failing to forward premium payments received from policy holders for bonds to Merchants Bonding Company, the Licensee violated RCW 48.17.480(3).

13. RCW 48.17.600 provides that all funds representing premiums or return premiums received by an insurance producer in the insurance producer's fiduciary capacity shall be accounted for and maintained in a separate account from all other business and personal funds. By commingling premiums with other moneys and by failing to maintain a separate premium account, the Licensee violated RCW 48.17.600.

14. RCW 48.17.530(1)(b) gives the Insurance Commissioner authority to revoke an insurance producer's license for violating any insurance laws, or violating any rule, subpoena, or order of the Insurance Commissioner. The Licensee's multiple violations of RCW 48.17.480(2),

RCW 48.17.480(3), and RCW 48.17.600, justify the revocation of her license under RCW 48.17.530(1)(b).

**IT IS FURTHER ORDERED** that you return your insurance producer's license certificate to the Insurance Commissioner on or before the effective date of the revocation of your license, as required by RCW 48.17.530(4). Return your license to:

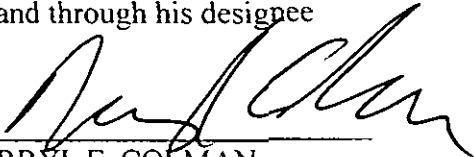
Licensing Manager  
Office of the Insurance Commissioner  
P. O. Box 40257  
Olympia, WA 98504-0257

ENTERED this 26<sup>th</sup> day of February 2015.



MIKE KREIDLER  
Insurance Commissioner

By and through his designee



DARRYL E. COLMAN  
Insurance Enforcement Specialist  
Legal Affairs Division

## **NOTICE OF YOUR RIGHT TO A HEARING**

If you are aggrieved by this Order Revoking License, RCW 48.04.010 permits you to demand a hearing. You must demand a hearing in writing within **90** days after the date of this Order Revoking License, which is the day it was mailed to you, or you will waive your right to a hearing.

*If the Insurance Commissioner receives your demand for a hearing before the effective date listed on the order revoking your license, the revocation will be automatically stayed (postponed) and your license will remain in effect pending the hearing.*

Your demand for a hearing should be sent to the following address and must briefly state how you are harmed by this decision and why you disagree with it:

Hearings Unit  
Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

You will be notified of the time and place of your hearing. If you have questions about filing a demand for hearing or the hearing process, please telephone the Hearings Unit at (360) 725-7002 or send an email to [Hearings@oic.wa.gov](mailto:Hearings@oic.wa.gov).

CERTIFICATE OF MAILING

The undersigned certifies under the penalty of perjury under the laws of the state of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the state of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing ORDER REVOKING LICENSE on the following individual by email and by depositing in the U.S. mail via state Consolidated Mail Service with proper postage affixed to:

THERESA J. GAMBLE  
18226 SE 244TH PL  
COVINGTON WA 98042-5270  
theresagambleagency@gmail.com

Dated this 26<sup>th</sup> day of February, 2015, in Tumwater, Washington.

  
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JOSH PACE  
Secretary Senior  
Legal Affairs Division